

REMARKS

Claims 1-5, 7-11, 13-20, 24 and 25 are currently pending in the present application. Applicants note with appreciation the allowance of claims 1-5, 7-11, 13 and 15-20. The Examiner rejected claims 14, 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Mishima (US 6326539) in view of Por Paul (US 6297438). The rejection is respectfully traversed.

Claim 14 is directed to a stick-shaped apparatus with an elastically deformable portion. If the portion is deformed (e.g., by contacting an object), a sensor detects an amount of displacement caused by the deformation. The apparatus further includes a tone signal generation section that generates a tone signal based on the detected displacement. Claim 24 is directed to a tone generation system comprising a stick-shaped operation terminal and a tone signal generation apparatus. The stick-shaped operation terminal detects a displacement amount of a “predetermined portion caused by hitting a predetermined object” The tone signal generation apparatus generates a tone signal based on the detected displacement.

In contrast, Mishima discloses a shoe with a deformable member attached to a sensor. When the shoe contacts the ground, the sensor detects deformation of the member and a tone signal is generated in response to the detection. Mishima does not disclose or even suggest a stick-shaped apparatus or terminal.

Por Paul is cited by the Examiner to overcome the deficiency of Mishima. However, Applicants respectfully submit that this combination is based on impermissible hindsight. The baton of Por Paul has a pendulum sensor that detects the baton’s movement in differing directions and generates tone signals based on the detection of the baton’s movement (see, e.g., Col. 1, lines 23-34 and Col. 2, lines 23-34). A tone signal is thereby generated by detecting direction caused by movement rather than detecting displacement caused by deformation from contact with an object or surface. There is no disclosure or even suggestion in Por Paul that the baton generates tone signals based on detecting displacement through its deformation with an

object or surface. Thus, one of ordinary skill in the art would not be motivated to combine the *shoe* of Mishima with the baton of Por Paul, because Por Paul teaches away from utilizing the baton to contact an object or a surface. Accordingly, any such combination is based on impermissible hindsight.

Accordingly, Applicants respectfully submit that the claims 14, 24 and 25 (which depends from claim 24) are not obvious in view of Mishima and Por Paul.

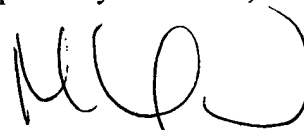
In view of the foregoing, Applicants respectfully submit that claims 1-5, 7-11, 13-20, 24 and 25 are in condition for allowance. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032027920.

Respectfully submitted,

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